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Attorney for Defendant
AVERY BADENHOP

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO VENUE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AVERY BADENHOP,

Defendant.

Case No. 0971 3:10 CR00701-001 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING SENTENCE
REDUCTION UNDER U.S.S.G.
§ 1B1.1(b) AND AMENDMENT 782**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties acting through their respective counsel that:

1. Defendant is making an unopposed motion for modification of his sentence pursuant to 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.1(b).
2. Defendant's original guideline calculation was as follows:
Total Offense Level: 27
Criminal History Category: 1
Guideline Range: 70 to 87 months
Mandatory Minimum: 60 months

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3. Defendant was sentenced to 78 months imprisonment on December 7, 2011.
4. According to the Bureau of Prisons, Defendant's current projected release date is December 9, 2016.
5. Effective November 1, 2014, this Court may order a modification in defendant's sentence pursuant to 18 U.S.C. § 3582(c), U.S.S.G. § 1B1.1(b), and Amendment 782, to the United States Sentencing Guidelines Manual.
6. Defendant's revised calculation is as follows:
Total Offense Level: 25
Criminal History Category: 1
Guideline Range: 60 to 71 months
Mandatory Minimum: 60 months
7. The parties have no reason to dispute the Sentence Reduction Investigation Report submitted to the Court by the Probation Office.
8. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order reducing Defendant's term of custody to 65 months, effective November 1, 2015.
9. The parties further stipulate that all other aspects of the original judgment order including the length of supervised release, all conditions of supervision, fines, restitution, and special assessment remain as previously imposed.
10. Defendant stipulates that he waives and does not request a hearing in this matter pursuant to Fed. R. Crim. P. 43, 18 U.S.C. § 3582(c)(2), and *United States v. Booker*, 543 U.S. 220 (2005).
11. Defendant waives his right to appeal the district court's sentence.
12. Accordingly, the parties agree that an amended judgment in accordance with this stipulation may be entered by the Court pursuant to 18 U.S.C. § 3582(c), U.S.S.G. § 1B1.1(b), Amendment 782 of the Sentencing Guidelines Manual. A Sentencing Investigative Report and a proposed amended judgment will be submitted to the Court.

1 IT IS SO STIPULATED.

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3 April 29, 2015
4 DATED

/s/

MELINDA L. HAAG
United States Attorney
J. DOUGLAS WILSON
Assistant United States Attorney
Northern District of California


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8 April 29, 2015
9 DATED

/s/

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12 IT IS SO ORDERED.

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15 April 30, 2015
16 DATED



MAXINE M. CHESNEY
United States District Judge